

**HOUSE JOURNAL**  
of the  
**NINETIETH GENERAL ASSEMBLY**  
of the

**STATE OF TENNESSEE**  
**SECOND REGULAR SESSION**  
**TUESDAY, JANUARY 10, 1978**  
**FORTY-FOURTH LEGISLATIVE DAY**

Pursuant to House Joint Resolution No. 260, the Second Regular Session of the House of Representatives of the Ninetieth General Assembly met at 12:00 o'clock noon and was called to order by Mr. Speaker McWherter.

The Speaker announced that without objection, the rules were suspended for a Special Flag Ceremony presented by the Honor Guard of the Non-Commissioned Officer Academy Graduate Association of the Tennessee Air National Guard.

The ceremony concluded with the Pledge of Allegiance to the Flag led by the Honor Guard.

The proceedings were opened with prayer by Dr. J. Harold Beaty, Christ United Methodist Church, Memphis, Tennessee.

The Speaker announced the resignation of Representative Cletus McWilliams of the 61st Legislative District and the election of the Honorable Kenneth J. Young, Jr. to fill the vacancy.

The Speaker directed the Clerk to spread the following documents pertaining to the resignation and election on the Journal.

**LETTER OF RESIGNATION**

**October 7, 1977**

**The Honorable Ray Blanton  
Governor  
State of Tennessee  
State Capitol  
Nashville, TN 37219**

**Dear Governor Blanton:**

**I have been offered and have decided to accept the position of Executive Secretary to the Supreme Court of the State of Tennessee.**

**As I understand the Constitution of the State of Tennessee, in order to do this it will be necessary that I resign my office as Representative of the Sixty-first Representative District of the State of Tennessee to the Tennessee General Assembly.**

**I, therefore, hereby resign that office effective twelve o'clock noon on October 7, 1977.**

**With kindest personal regards, I remain**

**Very truly yours,**

**CLETUS W. McWILLIAMS**

**cc: Hon. Ned R. McWherter, Speaker of the House of Representatives**

**CERTIFICATION OF ELECTION**

**TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES  
STATE CAPITOL  
NASHVILLE, TENNESSEE**

**RE: Hon. Kenneth J. Young, Jr.  
61st Legislative District  
House of Representatives**

**Be advised that under Article 2, Section 15 of the Constitution of Tennessee, and all applicable laws of the State of Tennessee, that Hon. Kenneth J. Young, Jr., of Franklin, Tennessee, was duly and constitutionally elected for the unexpired term in the House of Representatives of Tennessee, 61st Legislative District, caused by the resignation of Cletus W. McWilliams. This will serve as a certificate of election or appointment for Hon. Kenneth J. Young, Jr., who was duly elected, after due notice, on November 21, 1977, by the County Court of Williamson County, Tennessee, being the county of residence of Mr. Young, who received 16 roll call votes, Mr. Little received 12 roll call votes, Mr. Young elected in Open Court by majority vote, for this post for the unexpired term ending in November, 1978. Witness our hands, and the official seal of Williamson County, Tennessee, this 25th day of November, 1977.**

**Very truly yours,**

**WILBURN H. KELLEY, JR.  
County Judge of Williamson County Tennessee**

ATTEST:

CHARLIE FOX, JR.  
County Court Clerk

CC: Governor Blanton  
Secretary of State  
Speaker of Senate

OATH OF OFFICE

I, KENNETH YOUNG, JR., do solemnly swear that, as a member of the 90th General Assembly of the State of Tennessee, I will, in all appointments, vote without favor, affection, partiality or prejudice, and that I will not propose or assent to any bill, vote or resolution which shall appear to me injurious to the people, or consent to any act or thing whatever that shall have a tendency to lessen or abridge their rights and privileges as declared by the Constitution of this State; and I do further solemnly swear that I will faithfully support the Constitution of this State and of the United States; and I do further solemnly swear that I have not directly or indirectly given, accepted or knowingly carried a challenge in writing or otherwise, to any person being a citizen of this State, since the adoption of the Constitution of 1835, or aided or abetted therein since the adoption of the Constitution of 1835, and that I will not during my continuance in office be guilty of either of these acts; and I do further solemnly swear that I will perform with fidelity the duties of the office to which I have been appointed and which I am about to assume.

To all of which I do solemnly swear upon the Holy Evangelist of Almighty God, so help me God.

KENNETH YOUNG, JR., Member of the House of  
Representatives, 61st Legislative District

Sworn to and subscribed before me at the Supreme Court Chambers, Nashville, Tennessee, this the 1st day of December, 1977.

JOSEPH W. HENRY, Chief Justice  
Tennessee Supreme Court

A roll call was taken with the following results:

Present ..... 96

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 96.

EXPLANATION OF ABSENCE

Dear Speaker McWherter:

I respectfully request permission to be excused from attending opening day of session, January 10, 1978. Due to an important business meeting in Athens, I will be unable to come to Nashville on that date.

Thank you for your consideration of this request.

Sincerely,

CLYDE B. WEBB

STANDING COMMITTEE REPORT

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage:

House Bills Nos. 341, 356 (with amendment), 637, 717 (with amendment), 738 (with amendment), 754, 769, 801, 995 (with amendment), 1207, 1288 (with amendment) and 1338 (with amendment).

MURPHY (Shelby), Chairman

Under the rules, House Bills Nos. 341, 356, 637, 717, 738, 754, 769, 801, 995, 1207, 1288 and 1338 were transmitted to the Committee on Calendar and Rules.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Tuesday, January 10, 1978: Senate Bill No. 1179, House Bills Nos. 1323, 566, 976 and 1338.

LANIER, Chairman.

CALENDAR

Senate Bill No. 1179 — To amend Section 70-2207, Code.

Mr. Ellis moved that Senate Bill No. 1179 be passed on third and final reading.

Mr. Lashlee moved that Senate Bill No. 1179 be placed on the Calendar for Wednesday, February 1, 1978 which motion prevailed.

House Bill No. 566 — To make provisions, registering motor vehicles.

Mr. Spence moved that House Bill No. 566 be passed on third and final reading.

Mr. Robinson (Davidson) moved to amend as follows:

## AMENDMENT NO. 1

Amend House Bill No. 566 by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 59-401, is amended by deleting the first sentence of the third paragraph of the section and substituting instead the following:

Application for registration shall be made, in the manner prescribed by the commissioner on forms provided or approved by the department, to the county court clerk of the county of the owner's residence in the case of counties with a population of six hundred thousand (600,000) or more persons according to the 1970 federal census or any subsequent federal census or to the county court clerk of the county of the owner's residence or of a county wherein the vehicle is based or is to be operated, except that a non resident may apply directly to the department for registration.

Mr. Robinson (Davidson) moved that House Bill No. 566 be placed on the Calendar for Wednesday, January 11, 1978, which motion prevailed.

House Bill No. 976 — To make provisions, restoration of voting rights to those declared infamous.

Ms. DeBerry moved that House Bill No. 976 be passed on third and final reading.

Mr. Buck moved to amend as follows:

## AMENDMENT NO. 1

Amend House Bill No. 976 by adding to Section 2 at the end of the word chapter by changing the period to a comma and adding the following:

provided the person's period of incarceration and parole or probation has expired.

On motion, the amendment was adopted.

Thereupon, House Bill No. 976, as amended, passed its third and final reading by the following vote:

Ayes.....	55
Noes.....	34
Present and not voting .....	5

Representatives voting aye were: Bissell, Blackburn, Brewer, Buck, Burnett (Fentress), Butler, Byrd, Cawood, Clark, Copeland, Darnell, Davis, DeBerry, DePriest, Dixon, Ellis, Fleming, Ford (Shelby), Fuqua, Gaia, Good, Hall, Hillis, Hood, Hurley, Jensen, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McKinney, Martin, Miller, Murphy (Davidson), Murray (Madison), Naifeh, Nolan, Ozment, Pruitt, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Spence, Starnes, Steinhauer, Withers, Work, Yelton, Young and Mr. Speaker McWherter — 55.

Representatives voting no were: Ashford, Atchley, Bell, Bewley, Bishop, Burks, Burleson, Burnett (Sumner), Bussart, Carter, Chiles, Davidson (Robertson), Elkins, Fisher, Ford (Cocke), Gill, Henry, Johnson, Murray (Franklin), Phillips, Richards, Robertson, Scruggs, Small, Smith, Stafford, Stallings, Tanner, Turner, Wallace, Watson, Williams, Wolfe and Wood — 34.

Representatives present and not voting were: Davidson (Wayne), McAfee, Moore, Rhinehart and Sterling — 5.

A motion to reconsider was tabled.

House Bill No. 1338 — To amend Section 8-2115, Code.

Mr. McKinney moved that House Bill No. 1338 be passed on third and final reading.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1338 by deleting from Subsection (6) of the bill the words, symbols, and number "ten percent (10% )" and substituting instead the words, symbols and number "five per cent (5% )".

On motion, the amendment was adopted.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1338 by striking (5) and inserting in lieu thereof (14) and striking VI and inserting in lieu thereof VII.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1338, as amended, passed its third and final reading by the following vote:

Ayes.....	80
Noes.....	11
Present and not voting .....	4

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Carter, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Hillis, Hood, Jensen, Johnson, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Phillips, Pickering, Pruitt, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 80.

Representatives voting no were: Burks, Byrd, Cawood, Ford (Cocke), Hurley, Martin, Ozmert, Rhinehart, Richards, Robertson and Shockley — 11.

Representatives present and not voting were: Henry, Kernell, Moore and Williams — 4.

A motion to reconsider was tabled.

Mr. Shockley asked to be recorded as changing his vote from no to aye on House Bill No. 1338.

House Bill No. 1323 — To make certain provisions, legislative elections.

Mr. Gill moved that House Bill No. 1323 be passed on third and final reading.

Mr. Gill moved to amend as follows:

#### AMENDMENT NO. 1

Amend House Bill No. 1323 by deleting from the amendatory language of Section 1 the words "legislative office, as described in Section 2-1314" and by substituting instead the words "state legislative office, as described in Section 2-1314 (a, b, c).

AND FURTHER AMEND by deleting from the amendatory language of Section 2 the words "legislative office, as described in Section 2-1314" and by substituting instead the words "state legislative office, as described in Section 2-1314 (a,b,c)".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1323, as amended, passed its third and final reading by the following vote:

Ayes.....	90
Noes.....	1
Present and not voting .....	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 90.

Representative voting no was: Withers — 1.

Representative present and not voting was: DeBerry — 1.

A motion to reconsider was tabled.

Mr. McAfee asked to be recorded as changing his vote from aye to no on House Bill No. 1323.

#### RESOLUTIONS LYING OVER

Senate Joint Resolution No. 78 — Relative to requesting President, not pardon military deserters.

The Speaker referred Senate Joint Resolution No. 78 to the Committee on State and Local Government.

Senate Joint Resolution No. 86 — Relative to study, certain skills, Board of Education.

The Speaker referred Senate Joint Resolution No. 86 to the Committee on Education.

Senate Joint Resolution No. 117 — Relative to naming Cecil Theodore Patterson, "Father of Karate in Tennessee."

Under the rules, Senate Joint Resolution No. 117 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 118 — Relative to commending Girl Scouts Troop 464, Columbia.

Under the rules, Senate Joint Resolution No. 118 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 121 — Relative to declaring the week of June 29 thru July 2 to be "Hillbilly Homecoming 1977."

The Speaker referred Senate Joint Resolution No. 121 to the Committee on Agriculture.

On motion of Mr. Longley, House Bill No. 895 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Longley, House Bill No. 895 was withdrawn from the House.

STANDING COMMITTEE APPOINTMENT

The Speaker announced that he had appointed Representative Young to the Committees on Agriculture and General Welfare.

SECOND ROLL CALL

A roll call was taken with the following results:

Present ..... 96

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 96.

REPORT OF SPECIAL JOINT COMMITTEE ON OBSCENITY-PORNOGRAPHY

Pursuant to Senate Joint Resolution No. 105, the Speaker announced the Special Joint Committee on Obscenity-Pornography had been received and filed with the Clerk.



Mr. Williams moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 270 out of order, which motion prevailed.

House Joint Resolution No. 270 — Relative to honor John W. Saucier — By Williams, Bragg, Young, Watson.

Mr. Williams moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 270, which motion prevailed.

On motion of Mr. Williams, the resolution was adopted.

A motion to reconsider was tabled.

### INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 261 — Relative to naming U.S. Interstate 40 in honor of Elvis Presley — By Murphy (Davidson).

Under the rules, House Joint Resolution No. 261 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 262 — Relative to honoring Dan Wade of Dayton — By Carter.

Under the rules, House Joint Resolution No. 262 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 263 — Relative to honoring Sara S. Nolan — By Bragg.

Under the rules, House Joint Resolution No. 263 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 264 — Relative to Elvis Presley's death — By Byrd.

Under the rules, House Joint Resolution No. 264 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 265 — Relative to honoring Delores L. Archie — By Fugua.

Under the rules, House Joint Resolution No. 265 was referred to the Committee on Calendar and Rules.

House Resolution No. 83 — Relative to legislation of fiscal nature — By Bragg, Work, Rhinehart, Hillis, Burks, Elkins, Blackburn, Murray (Franklin), Davidson (Robertson), Darnell, McKinney, Bewley, Atchley, Robinson (Hamilton), Sterling, Davidson (Wayne), Ozment, Brewer and Copeland.

The Speaker referred House Resolution No. 83 to the Committee on Finance, Ways and Means.

### INTRODUCTION OF BILLS

House Bill No. 1537 — To make certain provisions, Housing Development Agency — By Murphy (Shelby).

Passed first reading.

House Bill No. 1538 — To make certain provisions, bail warrant — By Murphy (Shelby).

Passed first reading.

House Bill No. 1539 — To make certain provisions, County Elections Commissions and County Primary Board — By Webb.

Passed first reading.

House Bill No. 1540 — To Amend Section 54-2514, Code — By Richards

Passed first reading.

House Bill No. 1541 — To provide appropriations for Memphis Museum of Music — By Kernell.

Passed first reading.

House Bill No. 1542 — To make certain provisions, wildlife resources commission — By Smith and Scruggs.

Passed first reading.

House Bill No. 1543 — To designate official railroad museum of state — By Carter.

Passed first reading.

House Bill No. 1544 — To make certain provisions, salary of wildlife resources director — By Lashlee.

Passed first reading.

House Bill No. 1545 — To make certain provisions, salary of wildlife resources director — By Watson.

Passed first reading.

House Bill No. 1546 — To make certain provisions, requirements on deposits of state funds — By Lashlee, Butler and Murray (Madison).

Passed first reading.

House Bill No. 1547 — To make certain provisions, liability for dog ownership — By Bragg.

Passed first reading.

House Bill No. 1548 — To require confirmation, Wildlife Resources appointments — By Watson.

Passed first reading.

**TUESDAY, JANUARY 10, 1978 — 44TH LEGISLATIVE DAY**  
**SENATE BILL ON SECOND READING**

Senate Bill No. 1397 — To amend Chapter 161, Private Acts, 1973.

Passed second reading and held without reference.

**HOUSE BILLS ON SECOND READING**

House Bill No. 1534 — To make provisions, bear hunting, Unicoi County.

Passed second reading and referred to Committee on Conservation and Environment.

House Bill No. 1535 — To make provisions, Tennessee Consolidated Retirement System.

Passed second reading and referred to Committee on Finance, Ways and Means.

**ANNOUNCEMENTS**

**Mr. Gill announced that the Committee on General Welfare will meet tomorrow at 8:30 A.M. in Committee Room 18.**

**Mr. Bragg announced that the Committee on Finance, Ways and Means will meet at 9:00 A.M. tomorrow in Committee Room 16.**

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**MR. SPEAKER:** Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, January 11, 1978: House Bills Nos. 688, 1153, 285, 1069, 1001, 618, 689, 952, and 953.

**LANIER, Chairman.**

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No.

48 — To provide for run-off election, Governor and U.S. Senator; substituted for Senate Bill on same subject, amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
**Chief Clerk.**

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 976, 1323 and 1338; and House Joint Resolution No. 270; and find same correctly engrossed and ready for transmission to the Senate.

**MARILYN EVELYN HAND,**  
**Chief Engrossing Clerk.**

**TUESDAY, JANUARY 10, 1978 — 44TH LEGISLATIVE DAY**

**LOCAL BILL REFERRED TO CALENDAR AND RULES**

In accordance with Rule No. 47, the following local bill, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bill No. 726.

On motion of Mr. Burnett (Fentress), the House adjourned untill 1:00 P.M. tomorrow.